

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Joseph A Zitelli
Donna M Zitelli**
Debtor(s)

Bankruptcy Case No.: 20-21499-JAD
Issued per 6/29/2020 Proceeding
Chapter: 13
Docket No.: 21 - 5
Concil. Conf.: November 19, 2020 at 09:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 4/28/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 19, 2020 at 09:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Quicken Loans LLC [Claim #6] .
- ☒ H. Additional Terms: The secured claim of the following creditor shall govern as to claim amount, to be paid at the modified plan terms: Ally Bank [Claim #7]

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 2, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Joseph A Zitelli
 Donna M Zitelli
 Debtors

Case No. 20-21499-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: skoz
 Form ID: 149

Page 1 of 2
 Total Noticed: 43

Date Rcvd: Jul 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 04, 2020.

db/jdb
 15240755 +Joseph A Zitelli, Donna M Zitelli, 2916 Leechburg Rd, Lower Burrell, PA 15068-3238
 15240759 +Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250
 15240760 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
 15254634 +Barclays Bank Delaware, Attn: Bankruptcy, PO Box 8801, Wilmington, DE 19899-8801
 15240765 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15240766 +Citibank, PO Box 6217, Sioux Falls, SD 57117-6217
 15240766 +Citibank, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034, St Louis, MO 63179-0034
 15240768 +Collection Service Center, Inc., Pob 560, New Kensington, PA 15068-0560
 15240781 Quicken Loans, Inc., PO Box 6577, Carol Stream, IL 60197-6577
 15246547 +Quicken Loans, LLC fka Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408
 15240782 Synch/walmart, PO Box 71087, Charlotte, NC 28272-1087
 15240791 +Target, PO Box 673, Minneapolis, MN 55440-0673
 15240792 +Target, c/o Financial & Retail Svcs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

15240756 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 03 2020 04:26:57
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 E-mail/Text: bdsupport@creditmanagementcompany.com Jul 03 2020 04:22:39
 Allegheny Valley Hospital, c/o Credit Management Company, PO Box 16346, Pittsburgh, PA 15242-0346
 15252073 E-mail/Text: ally@ebn.phinsolutions.com Jul 03 2020 04:21:15 Ally Bank, PO Box 130424, Roseville MN 55113-0004
 15240758 +E-mail/Text: ally@ebn.phinsolutions.com Jul 03 2020 04:21:15 Ally Financial, Attn: Bankruptcy, PO Box 380901, Bloomington, MN 55438-0901
 15240757 +E-mail/Text: ally@ebn.phinsolutions.com Jul 03 2020 04:21:15 Ally Financial, P.O. Box 380901, Bloomington, MN 55438-0901
 15240761 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 03 2020 04:26:49 Capital One, PO Box 30281, Salt Lake City, UT 84130-0281
 15240763 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 03 2020 04:27:29 Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 15245527 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 03 2020 04:26:10 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15240767 +E-mail/Text: mediamanagers@clientservices.com Jul 03 2020 04:21:16 Client Services, 3451 Harry S. Truman Blvd, Saint Charles, MO 63301-9816
 15240769 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 03 2020 04:22:16 Collection Service Center, Inc., Attn: Bankruptcy, 839 5th Ave., New Kensington, PA 15068-6303
 15240771 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 03 2020 04:21:38 Comenity Bank/Abarcrombie, Attn: Bankruptcy, PO Box 182125, Columbus, OH 43218-2125
 15240770 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 03 2020 04:21:38 Comenity Bank/Abarcrombie, PO Box 182789, Columbus, OH 43218-2789
 15240772 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 03 2020 04:21:38 Comenitycapital/Big Lot, Attn: Bankruptcy Dept, PO Box 182125, Columbus, OH 43218-2125
 15240773 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 03 2020 04:21:38 Comenitycapital/Big Lots, PO Box 182120, Columbus, OH 43218-2120
 15240774 E-mail/Text: bk@freedomfinancialnetwork.com Jul 03 2020 04:21:10 Freedom Plus, 1875 South Grant Street, San Mateo, CA 94402
 15240775 E-mail/Text: bk@freedomfinancialnetwork.com Jul 03 2020 04:21:10 Freedom Plus, Attn: Bankruptcy, PO Box 2340, Phoenix, AZ 85002
 15240776 E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:27:16 JCPenney, PO Box 960090, Orlando, FL 32896-0090
 15240777 +E-mail/Text: bncnotices@becket-lee.com Jul 03 2020 04:21:26 Kohls/Capital One, PO Box 3115, Milwaukee, WI 53201-3115
 15240778 +E-mail/Text: bncnotices@becket-lee.com Jul 03 2020 04:21:26 Kohls/Capital One, Attn: Credit Administrator, PO Box 3043, Milwaukee, WI 53201-3043
 15243880 E-mail/PDF: resurgentbknofications@resurgent.com Jul 03 2020 04:26:20 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15240779 E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:27:16 Lowe's, PO Box 530914, Atlanta, GA 30353-0914
 15240780 +E-mail/Text: bankruptcyteam@quickenloans.com Jul 03 2020 04:22:36 Quicken Loans, 1050 Woodward Avenue, Detroit, MI 48226-1906
 15241322 +E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:27:16 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15240784 +E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:27:18 Synchrony Bank/ JC Penneys, Attn: Bankruptcy, PO B 965064, Orlando, FL 32896-5064
 15240783 +E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:52:27 Synchrony Bank/ JC Penneys, PO Box 965007, Orlando, FL 32896-5007
 15240787 +E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:25:58 Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, PO Box 965064, Orlando, FL 32896-5064
 15240785 +E-mail/PDF: gecsed@recoverycorp.com Jul 03 2020 04:26:37 Synchrony Bank/Care Credit, C/o Po Box 965036, Orlando, FL 32896-0001

District/off: 0315-2

User: skoz
Form ID: 149

Page 2 of 2
Total Noticed: 43

Date Rcvd: Jul 02, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15240790 +E-mail/PDF: gecsedirecoverycorp.com Jul 03 2020 04:27:18 Synchrony Bank/Lowes,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15240789 +E-mail/PDF: gecsedirecoverycorp.com Jul 03 2020 04:26:39 Synchrony Bank/Lowes,
Po Box 956005, Orlando, FL 32896-0001
15254070 +E-mail/Text: bncmailw-legal.com Jul 03 2020 04:22:25 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 30

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans, LLC
15240762* +Capital One, Po Box 30281, Salt Lake City, UT 84130-0281
15240764* +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15240788* +Synchrony Bank/Care Credit, Attn: Bankruptcy Dept, Po Box 965064, Orlando, FL 32896-5064
15240786* +Synchrony Bank/Care Credit, C/o Po Box 965036, Orlando, FL 32896-0001
TOTALS: 1, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 04, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 2, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Quicken Loans, LLC bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Joseph A Zitelli julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Kenneth Steidl on behalf of Joint Debtor Donna M Zitelli julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5